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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/670,572

09/26/2003

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117347

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EXAMINER

GORT, ELAINE L

ART UNIT

PAPER NUMBER

3687

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DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/670,572	<b>Applicant(s)</b> MORITA, KOMA	
	<b>Examiner</b> Elaine Gort	<b>Art Unit</b> 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-4, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lavery et al. (US 2002/0121081) in view of Friskney et al. (US 2004/0062205) and Best et al. (US Patent 4,990,018).**

Lavery et al. discloses the claimed charging system comprising:

a process apparatus (such as vendor computer 438, raster image processor 442, recorder 442, press input medium 446, press 448, and business card 450) for executing a plurality of processings, the processings including at least one of a raster image processing for expanding drawing data into bitmap data, a correction processing for correcting the expanded bitmap data, and a printing processing for printing the bitmap data by an information processing device (Lavery discusses processing of PDF files[0141] that are raster image files to bitmap for printing at on-line printing centers, for example see figure 4, 442. ), and

a charging apparatus for charging for each of the processings executed by the process apparatus (system bills for processing, for example see Vendor Order System 432 that charges for purchase orders [0081] and figure 4), wherein:

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the process apparatus includes:

an information generation unit for generating process information indicating contents of the executed processings and status information indicating completion status of performing the processing by the information processing device (for example a plate file and job instructions are construed to be content information while shipping status is construed to be status information indicating completion status of performing the processing [0081]), and

an information transmission unit for transmitting the generated process information and the generated status information to the charging apparatus (system communicates over the internet see figure 4 and on-line printing center data accessible to the Vendor Order System via the ILIAD 410 on the Internet);

the charging apparatus includes:

an information reception unit for receiving the transmitted process information and the transmitted status information (Vendor Order System receives plate files and job instructions (process information) and shipping status (status information) [0081]),

a fee calculation unit for calculating a fee for each processing executed by the process apparatus on the basis of the received process information and the received status information (VOS processes invoices and purchase orders using the pricing 488. This processing inherently calculates a

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fee for the completed processings in order to generate billing information to obtain payments from customers);

a charge amount determination unit for setting the calculated fees as a charge amount when the received status information indicates that the processings are completed normally (VOS processes invoices and purchase orders using the pricing 488. This processing inherently calculates a fee for the completed processings in order to charge customers for the amounts due [0081]);

a charging unit for executing a charging processing on the basis of the determined charge amount (VOS processes invoices and purchase orders that charge customers the amount due. [0081]);

But is silent regarding the completion status information being generated based on operation information received from the information processing device and where the billing is based on the status information.

Friskney et al. teaches that it is old and well known in the art of billing for on-line services to gather specific completion status information from processing devices to provide accurate billing ([0005] and [0075] system tracks service usage and failures to calculate automatic discounts for billing that is based on contract information).

Best et al. teaches that is it old and well known in the art of printing to promise specific operation services, such as one hour processing or overnight service to provide improved customer service.

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Therefore it would have been obvious to one of ordinary skill in the art of billing and printing at the time of the invention to modify the charging system of Laverty et al. to have the capability to gather completion status information and to use it to calculate amounts due that may include a discount as taught by Friskney et al. and where the completion status information gathered is related to printing status, such as one hour processing, as taught by Best et al. in order to automatically calculate billing that is based on contract information and to provide improved customer service. Note in this modification the status information would include for example the time of printing and if the timing is within the approved time period regular charges apply but if the printing is delayed (not completed normally), perhaps due to malfunctioning equipment, a discount is applied.

**3. Claim 6 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Laverty et al. (US 2002/0121081); Friskney et al. (US 2004/0062205) and Best et al. (US Patent 4,990,018), as modified above and further in view of Quallen et al. (US 2002/0128953).**

Laverty et al., Friskney et al. and Best et al., as modified above, disclose the claimed charging apparatus but is silent regarding generating a provisional charge amount. Quallen et al. teaches that it is old and well known in the art of services at the time of the invention to provide a provisional charge amount for billing purposes to provide estimated cost information ([0006] teaches bids or price estimates based on all specifics of a requested job). Therefore it would have been obvious to modify the

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apparatus of Lavery et al., Friskney et al. and Best et al. to provide a provisional charge amount in order to provide estimated cost information.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1-4 and 6-9 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elaine Gort whose telephone number is 571/272-6781. The examiner can normally be reached on Wednesday and Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Gart can be reached on 571/272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Elaine Gort/  
Primary Examiner, Art Unit 3687

Elaine Gort  
Primary Examiner  
Art Unit 3687

August 14, 2009